UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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JONES DAY
222 E.41ST STREET
NEW YORK, NY 10017

EXAMINER
RUTLEDGE, AMELIA L

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		09/911,293	SULL ET AL.
		Examiner	Art Unit	
		Amelia Rutledge	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 April 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>89-106</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>89-106</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.　　This action is responsive to the following communications: Amendment, filed

04/02/2007.

2.　　Claims 89-106 are pending. Claims 89, 93, and 99 are independent claims.

3.　　The amendments to the Specification filed 04/02/2007 will be entered.

Claims Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.　　**Claims 89-96 and 98-104** are rejected under 35 U.S.C. 102(b) as being clearly

anticipated by Swenson, et al. (U.S. Patent 6,064,380, issued May 16, 2000)

[hereinafter "Swenson"].

Regarding **independent claim 89**, Swenson teaches:

A method of generating a multimedia bookmark having a title or image

representing said bookmark, comprising:

selecting a particular location within a multimedia file;

generating at least two of the following three pieces of information for said

particular location: positional information; content information; and metadata

information; and

storing said generated information.

(See, Swenson, Figure 3, figure 4 (elements 413-425, and col. 4, line 65 through col. 5,

line 23, teaching selecting a particular location in a multimedia file for a bookmark,

taught as "Stop & Save Position," and generating for storage the position of the stop

mark and meta data such as the title of the marked section.)

Swenson teaches having a title or image representing the bookmark in Fig. 3,

item 317, and Fig. 4, items 417-423.

Regarding **dependent claim 90**, Swenson teaches:

> *The method of claim 89 wherein said positional information comprises one*
>
> *or more of a URI, a URL, an elapsed time, or a time code.*

(See, Swenson, col. 5, lines 43-61, teaching saving position using "time position.")

Regarding **dependent claim 91**, Swenson teaches:

> *The method of claim 89 wherein said content information comprises one*
>
> *or more of an image, a captured frame, a thumbnail image of a captured frame,*
>
> *audio data, or a string of characters.*

(See, Swenson, col. 5, lines 16-23, teaching content information as a string of

characters comprising a title for the bookmark.)

Regarding **dependent claim 92**, Swenson teaches:

> *The method of claim 89 wherein said metadata information contains offset*

information correlating said particular location in a master file with the same

location in one or more slave files.

(See, Swenson, col. 5, lines 12-16, teaching storing metadata of offset information of a

start position including a rewind of automatic or selectable length.) The offset

information is saved in persistent memory in a data file (col. 5, l. 1-12).

Regarding **independent claim 93**, Swenson teaches:

A method of generating a multimedia bookmark, comprising:

selecting a multimedia file;

playing the selected file;

(See, Swenson, col. 4, lines 52-54, teaching selecting and playing a selected

multimedia file.)

invoking an add-bookmark command corresponding to a particular

location in the selected file;

(See, Swenson, col. 4, line 65 through col. 5, line 3, teaching selecting a particular

location in a multimedia file for a bookmark, taught as "stop & Save Position." See also,

Swenson, col. 5, lines 43-63, teaching book-marking a particular location in a

multimedia file.)

generating a bookmark in response to the add-bookmark command, said

bookmark containing at least two of the following three pieces of information for

identifying said particular location: positional information; content information;

and metadata information excluding a title of said bookmark;

(See, Swenson, col. 4, line 65 through col. 5, line 23, teaching selecting a particular

location in a multimedia file for a bookmark, taught as "Stop & Save Position," and

generating for storage the position of the stop mark and content information such as a

custom user generated indicia of the marked section, indicating the content of the

section. Also see claim 1, associating indicia with position and multimedia file.

Swenson col. 5, l. 25-43 teaches entering a default designation as content information.)

storing said bookmark; and

(See, Swenson, col. 4, line 65 through col. 5, line 3, and col. 5, line 45, teaching storing

the bookmark in persistent memory.)

displaying at the user location an icon representative of the stored

bookmark.

(It is noted that the specification does not specially define the term "icon." Upon

examination of the specification and claims, the Examiner believes Applicants intended

the term to be defined accordingly to how it was commonly known to one of ordinary

skill in the art, as follows: "A small image displayed on the screen to represent an

object that can be manipulated by the user." See, "Microsoft Computer Dictionary," Fifth

Edition, Microsoft Press, 2002, definition of "icon."

See, Swenson, figure 3, teaching icons of bookmarked multimedia files shown as

"MM FILE #1," etc. within a list of multimedia files. Each of the elements on the list are

taught as selectable by the user to select the multimedia object identified by the icon.

See, Swanson, col. 4, lines 51-61.)

Regarding **dependent claim 94**, Swenson teaches:

> *The method of claim 93 wherein said positional information comprises one*
>
> *or more of a URI, a URL, an elapsed time, or a time code.*

(See, Swenson, col. 5, lines 43-61, teaching saving position using "time position.")

Regarding **dependent claim 95**, Swenson teaches:

> *The method of claim 93 wherein said content information comprises one*
>
> *or more of an image, a captured frame, a thumbnail image of a captured frame,*
>
> *audio data, or a string of characters.*

(See, Swenson, col. 5, lines 16-23, teaching content information as a string of
characters comprising a title for the bookmark.)

Regarding **dependent claim 96**, Swenson teaches:

> *The method of claim 93 wherein said metadata information contains offset*
>
> *information correlating said particular location in a master file with the same*
>
> *location in one or more slave files.*

(See, Swenson, col. 5, lines 12-16, teaching storing metadata of offset information of a
start position including a rewind of automatic or selectable length.)

Regarding **dependent claim 98**, Swenson teaches:

> *The method of claim 93 wherein said multimedia file is stored on a server,*

said method additionally comprising downloading said selected file from said

server, and playing said selected file either during or after downloading.

(See, Swenson, col. 3, line 33 through col. 5, line 23, teaching that the multimedia file

may be stored on a server and the method may be practiced by downloading the file

and playing the selected file.)

Regarding **independent claim 99**, Swenson teaches:

A system for enabling access to a particular location within a multimedia

file, comprising:

a memory device for storing a multimedia bookmark, the multimedia

bookmark comprising at least two of the following three pieces of information:

position information; content information; and metadata information about a

particular location within said multimedia file;

(See, Swenson, col. 4, line 61 through col. 5, line 62, teaching storage of the position

information and title, as metadata, as information about a particular location within a

multimedia file.)

means for invoking said multimedia bookmark;

(See, Swenson, col. 5, lines 3-61, teaching selection of the bookmark from a list of

multimedia files and starting from the beginning, from the bookmarked position, or from

a rollback position prior to the bookmarked position.)

a search mechanism responsive to said information in said multimedia

bookmark for enabling access to said particular location within said multimedia

file without accessing the beginning of said multimedia file.

(See, Swenson, col. 4, line 62 through col. 5, line 62, teaching accessing the

bookmarked position and saved title or indicia without accessing the beginning of the

multimedia file.)

Regarding **dependent claim 100**, Swenson teaches:

The system of claim 99 wherein said search mechanism identifies a

plurality of locations in said multimedia file in response to said bookmark.

(See, Swenson, figure 3, and col. 4, line 61 through col. 5, line 23, teaching a list of

locations of bookmarked multimedia files.)

Regarding **dependent claim 101**, Swenson teaches:

The system of claim 99 further comprising an access mechanism for

reading the multimedia file beginning at said particular location identified by said

search mechanism.

(See, Swenson, col. 5, lines 43-61, teaching accessing the beginning of the

bookmarked location of a file.)

Regarding **dependent claim 102**, Swenson teaches:

The method of claim 99 wherein said positional information comprises one

or more of a UR1, a URL, an elapsed time, or a time code.

(See, Swenson, col. 5, lines 43-61, teaching saving position using "time position.")

Regarding **dependent claim 103**, Swenson teaches:

> *The method of claim 99 wherein said content information comprises one*
>
> *or more of an image, a captured frame, a thumbnail image of a captured frame,*
>
> *audio data, or a string of characters.*

(See, Swenson, col. 5, lines 16-23, teaching content information as a string of

characters comprising a title for the bookmark.)

Regarding **dependent claim 104**, Swenson teaches:

> *The method of claim 99 wherein said metadata information contains offset*
>
> *information correlating said particular location in a master file with the same*
>
> *location in one or more slave files.*

(See, Swenson, col. 5, lines 12-16, teaching storing metadata of offset information of a

start position including a rewind of automatic or selectable length.)

Regarding dependent claims 105 and 106, Swenson teaches metadata

information including a custom user generated indicia of the marked section, indicating

the content of the section. Also see claim 1, associating indicia with position and

multimedia file. Swenson col. 5, l. 25-43 teaches entering a default designation as

content information. While Swenson recites a "title", Swenson teaches that the user

may enter any text as input, and thereby discloses the input of annotated text created

by a user.

5.   It is noted that any citations to specific, pages, columns, lines, or figures in the

prior art references and any interpretation of the references should not be considered to

be limiting in any way. A reference is relevant for all it contains and may be relied upon

for all that it would have reasonably suggested to one having ordinary skill in the art.

See, MPEP 2123.

Claims Rejection – 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claim 97** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Swenson, et al. (U.S. Patent 6,064,380, issued May 16, 2000) [hereinafter "Swenson"]

as applied to claim 93 above, and further in view of Katz, et al. (U.S. Patent 6,356,971

B1, filed March 4, 1999)

Regarding **dependent claim 97**, Swenson in view of Katz teaches:

> *The method of claim 93 wherein said content information comprises a*
>
> *thumbnail image of a captured frame, and wherein said icon representative of the*
>
> *stored bookmark is said thumbnail image.*

(Swenson teaches the limitations of claim 93, but does not expressly teach the icon as a thumbnail image.

.   Katz teaches that it was well known in the art at the time the Katz application was filed to use thumbnail images to represent selectable digital images. See, Katz, col. 1, lines 42-51. Further Katz expressly teaches a computer system that allows bookmarks to be displayed and browsed visually as thumbnails. See, Katz, figure 4A, and col. 3, lines 46-51.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Swenson and Katz to result in a thumbnail image to indicate a bookmark in a multimedia object.

The suggestion or motivation for the combination is explicit in Katz that thumbnail images may be used to identify bookmarked multimedia. See Katz, col. 1, lines 42-51.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Swenson and Katz to result in the invention specified in claim 97.)

7.   It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Response to Arguments

Applicants' arguments filed 04/02/07 have been fully considered, but they are not persuasive.

In response to applicant's arguments regarding the newly claimed amendments of independent claim 89, Swenson teaches having a title or image representing the bookmark in Fig. 3, item 317, and Fig. 4, items 417-423.

In response to applicant's arguments regarding dependent claim 92, Swenson, at col. 5, lines 12-16, teaches storing metadata of offset information of a start position including a rewind of automatic or selectable length. The offset information is saved in persistent memory in a data file (col. 5, l. 1-12). Therefore, dependent claim 92 has been anticipated by Swenson and the rejection should be maintained.

In response to applicant's arguments regarding claim 93, claim 93 has been amended to recite: *generating a bookmark in response to the add-bookmark command, said bookmark containing at least two of the following three pieces of information for identifying said particular location: positional information; content information; and metadata information excluding a title of said bookmark;*

However, the claim amendments have been anticipated by Swenson, since Swenson, col. 4, line 65 through col. 5, line 23, teaches selecting a particular location in a multimedia file for a bookmark, taught as "Stop & Save Position," and generating for storage the position of the stop mark and content information such as a custom user generated indicia of the marked section, indicating the content of the section. Also see claim 1, associating indicia with position and multimedia file. Swenson col. 5, l. 25-43

teaches entering a default designation as content information.

While claim 93 has been amended to exclude a title from the metadata

information, the limitation reciting content information remains, and the title or indicia

contains content information. Further, as cited above, Swenson discloses indicia which

may contain a title, or any text entered by the user.

In response to applicant's arguments regarding claim 99, Swenson does teach

that the title, position, and file, are linked and stored (col. 5, l. 1-24), therefore Swenson

does disclose that the title is used to enable the user to access and select a position

within the file without requiring the user to access the beginning of the multimedia file.

For these reasons, and the reasons of record, the claim rejections of these

claims, and their dependent and similar claims, should be maintained.

Conclusion

1.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amelia Rutledge whose telephone number is 571-272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AR

Doug Hutton
Primary Examiner
Technology Center 2100